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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,586	04/11/2007	Izidor Brajnovic	NOBEL.B.239NP	2777
20995 7590 11/19/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER MAL HAOD				
ART UNIT 3732		PAPER NUMBER		
NOTIFICATION DATE 11/19/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

### Office Action Summary

**Application No.**

10/582,586

**Applicant(s)**

BRAJNOVIC, IZIDOR

**Examiner**

HAO D. MAI

**Art Unit**

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) 1-5, 7-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/GS-08)  
Paper No(s)/Mail Date 02/09/2007  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112, first paragraph***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 11 recites the limitation "helical identification equipment" (line 7), which was not described in the specification.

### ***Claim Rejections - 35 USC § 112, second paragraph***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Listed below are only a few examples of such narrative claim language or idiomatic errors.

- Claim 1 recites "being designed to be recessed in a hole" (line 4), "configured actuating to engage with slight clearance upper parts of the implant" (lines 10-12), "is designed to be applied so as to cooperate ... make room for application of members included in the installation" (lines 13-17). Such claim language is generally narrative,

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functional, and does not positively recite definite structural limitations in claims drawn to an apparatus.

- Claim 2 recites "removed after a period of time...", which is functional or intended use that does not convey definite structural limitations.
- Claim 4 recites the limitation "the second member", which lacks antecedent basis.
- Claim 9 is generally incoherent. It is unclear what is being claimed in claim 9.
- Claim 11 is drawn to an apparatus, not a method. However, a good part of the claim, i.e. claim language "wherein the computer appliance in turn is arranged to determine... included in the installation", is generally narrative, functional, and does not positively recite definite structural limitations.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-2, 4-5, and 7-10, are rejected under 35 U.S.C. 102(b) as being anticipated by Jorneus (5,145,371).**

Regarding claim 1, Jorneus discloses an arrangement for installation of a dental structure (Figs. 1-2) comprising: a dental implant 2 capable of being recessed in a hold and includes an anti-rotational member (hexagonal head 12); a tightening tool 6 which has a first member (hexagonal recess 13) capable of engaging the anti-rotational member 12 of the dental

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implant 2. The arrangement further comprises a sleeve 29 comprising having a handle (pointed to by reference numeral 29 in Fig. 2); the sleeve 29 is capable of engaging with slight clearance upper parts of the implant 2, wherein the tightening tool 6 is capable of being applied so as to cooperate with the implant via the sleeve. Note that the sleeve 29 and tightening tool 6 are inherently removable if desired, to make room for application of members included in the installation.

As to claims 2, 4-5, and 7-8, note that the sleeve 29's handle (where reference numeral 29 is pointed to in Fig. 2) comprises an outwardly projecting grip part. The members included in the installation comprises a spacer sleeve 6; and any of the structures 21, 4, or even the sleeve 29 can be the guide sleeve which can be arranged relative to the spacer sleeve, capable of protecting the upper contact surfaces of the implant. As to claims 9-10, note that at least part of the sleeve 29 has a substantially uniform width and/or uniform thickness; wherein the handle protrudes from the sleeve at a substantially right angle.

**7. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Luca et al. (2004/0120781 A1).**

Luca et al. disclose a system for installation of a dental structure comprising: a dental implant 3 capable of being recessed in a hole (Fig. 1A); a tightening tool 8 having first members (polygonal recess at the bottom) which are capable of cooperate with corresponding second members (polygonal head) on the dental implant (Fig. 2A). Luca et al. further disclose a computer system/equipment that is capable of identifying treatment situation(s), and transferring such identified situations to a computer, wherein a computer algorithm allows for automatic or manual selection of the structure(s) of the implant or prosthetics (paragraph 21).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jorneus.**

Jorneus discloses the invention substantially as claimed except for the clearance being in the range of about 0.1-0.2 mm. Nonetheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Jorneus by including such range for the clearance since it has been held that discovering an optimum or workable ranges involves only routine skill in the art. *See MPEP* §§ 2144.05.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAO D. MAI whose telephone number is (571)270-3002. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached at (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Hao D Mai/  
Examiner, Art Unit 3732**

**/Cris L. Rodriguez/  
Supervisory Patent Examiner, Art Unit 3732**